IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 15309 of 2004

Between:

1 E.Laxmaiah, S/o Anjaiah,
R/o Chengomul Village, Pudur Mandal, Ranga Reddy District
2 Majeed Khan, S/o Jahangir Khan,
R/o Chengomul Village, Pudur Mandal, Ranga Reddy District
3 Chennaiah, S/o Sayanna,
R/o Chengomul Village, Pudur Mandal, Ranga Reddy District
4 P.K.Venkataiah, S/o Ramachandraiah,
R/o Chengomul Village, Pudur Mandal, Ranga Reddy District
5 B.Ramkistaiah, S/o Ananthaiah,
R/o Chengomul Village, Pudur Mandal, Ranga Reddy District
6 K.Laxmaiah, S/o Chandraiah,
R/o Chengomul Village, Pudur Mandal, Ranga Reddy District
7 K.Sarvaiah, S/o Chandraiah,
R/o Chengomul Village, Pudur Mandal, Ranga Reddy District
8 V.Narsimhulu, S/o Agamaiah,
R/o Chengomul Village, Pudur Mandal, Ranga Reddy District
9 Amjad Khan, S/o Malangkhan,
R/o Chengomul Village, Pudur Mandal, Ranga Reddy District
10 P.K.Vittalaiah, S/o Anjaiah,
R/o Chengomul Village, Pudur Mandal, Ranga Reddy District
11 B.J.Narayana, S/o Ramaiah,
R/o Chengomul Village, Pudur Mandal, Ranga Reddy District
12 K.Srisailam, S/o Mallaiah,
R/o Chengomul Village, Pudur Mandal, Ranga Reddy District
13 K.Durgaiah, S/o Yellaiah,
R/o Chengomul Village, Pudur Mandal, Ranga Reddy District

..... PETITIONERS

AND

1 The Government of AP rep. by its Chief Secretary, Secretariat,

Hyderabad.

2 The District Collector, Ranga Reddy District Khairatabad, Hyderabad
3 The Gram Panchayat, Chengomul, rep. by its Executive Officer, Pudur

Mandal, Ranga Reddy District.

4 AP Pollution Control Board, rep. by its Member Secretary, 4th Floor,

Podupu Bhavan, Hyderabad Collectorate Bhavan,
Nampally, Hyderabad
5 Mr.Mohd.Rasool, Proprietor of M/s Chengomul Slaughter House,

Chengomul Village, Pudur Mandal,
Rangareddy District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a direction, writ or order, one in the nature of Mandamus a) declaring the action of the official respondents in permitting the respondent No.5 herein in establishing and continuing the unlicenced and unhygienic and unauthorised slaughter house in the village, Chengomul, Pudur Mandal, Ranga Reddy District, as arbitrary and illegal; b) directing the official respondents to stop the said slaughtering of the cattle at Chengomul Village, Pudur Mandal, Ranga Reddy District, by the respondent No.5 herein forthwith; c) granting all consequential benefits including costs.

Counsel for the Petitioners: MR.M.RAMA RAO

Counsel for the Respondents 1 and 2: The Government Pleader for Revenue.

Counsel for the Respondent No.3: Smt.Jyothi Eswar.

Counsel for the Respondent No.4: MR.S.V.BHAT, Standing Counsel for A.P. Pollution Control Board.

Counsel for the Respondent No.5: None appeared.

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

Grievance of the petitioners in this petition filed as Public Interest Litigation is inaction on the part of the authorities to respond to the petitioners' representation and grievances. It is stated that the public of Chengomul Village, Pudur Mandal, Ranga Reddy District is facing nuisance on account of an unhygienic slaughterhouse belonging to the fifth respondent. Even there was dharna staged on 15th August, 2004 before the Collectorate for closing down the slaughterhouse. It is stated that after slaughtering cattle, the meat will be transported in trucks with ice with water oozing all over the way in the village and the said trucks will be passing through the residential places, schools, hostels etc., causing pollution. Representations are stated to have been made to various Ministers, Chief Secretary to the Government of Andhra Pradesh, Director of Animal Husbandry, Pollution Control Board and Superintendent of Police but no action has been taken, which necessitated the filing of the writ petition.

While issuing notice, we directed the Pollution Control Board to carry out inspection and submit a report and state the action taken. It is stated on the affidavit of Mr.Rajeswar Tiwari, Member Secretary, A.P. Pollution Control Board that upon receipt of telephonic message from the District Collector, Ranga Reddy District, officials of the respondent-Board inspected M/s.Chengomul Slaughterhouse of the 5th respondent on 23rd August, 2004. During inspection, the unit was found locked.

However, when it came to the notice of the Board that respondent No.5 has started operation of the slaughterhouse, respondent Board issued notice on 24th August, 2004 informing the respondent No.5 not to start the unit without obtaining consent for establishment from the Pollution Control Board and thus not to act in violation of the Rules and Regulations. Respondent Board thereafter stated to have taken action against respondent No.5 by issuing directions that industry shall not start its operation without the consent for operation (CFO) of the Pollution Board is obtained and complying with CFE conditions. These directions were issued on 14th December, 2004 in exercise of powers under Section 33 (A) of Water (Prevention and Control of Pollution) Amendment Act, 1988 and under Section 31 (A) of the Air (Prevention and Control of Pollution) Amendment Act, 1987.

Now as the Pollution Control Board has issued directions to the fifth respondent, we will close the petition but with direction that the respondent Board will ensure due compliance of its directions. In case its directions are not complied with, the Board shall take appropriate action in the matter to follow up the notice issued and ensure that in case there is any violation, the unit is closed and appropriate instructions and directions to other authorities, if any, are issued. The other authorities, who are parties before the court, will also cooperate with the Pollution Control Board by ensuring due compliance of its directions within a period of two months from the date of receipt of the writ order.

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DEVINDER GUPTA, CJ

10-2-2004

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B.SESHASAYANA REDDY, J

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To

1 The Chief Secretary, Government of AP, Secretariat, Hyderabad.
2 The District Collector, Ranga Reddy District Khairatabad, Hyderabad
3 The Executive Officer, Gram Panchayat, Chengomul, , Pudur

Mandal, Ranga Reddy District.

4 The Member Secretary, A.P Pollution Control Board, 4th Floor,

Podupu Bhavan, Hyderabad Collectorate Bhavan,
Nampally, Hyderabad.

5 2 CCs to the Govt. Pleader for Revenue, High Court Buildings,

Hyderabad, A.P., Hyderabad.

6. 2 CD copies.